



City of Seattle
Gregory J. Nickels, Mayor

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3010090

Applicant Name: Matt Driscoll, Driscoll Architects
for the LIHI University Apts, LLC.

Address of Proposal: 4719 12th Ave NE

SUMMARY OF PROPOSED ACTIONS

Land Use Application to allow change of use of a previously permitted 6-story, 61-room hotel to a 63 unit apartment building. Parking for 8 vehicles to be provided within the structure.

The following approvals are required:

SEPA - Environmental Determination – SMC Chapter [25.05](#)

SEPA DETERMINATIONS: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions¹

☐ DNS involving non-exempt grading, or demolition,
 or involving another agency with jurisdiction.

¹ Early DNS published April 16, 2009.

PROJECT DESCRIPTION

The applicant proposes a six-story apartment building with 63 units. Plans show one level of parking, in excess of the minimum zoning requirement, to be accessed from the alley. The application changes use from a previously permitted hotel (MUP 2203010).

VICINITY AND SITE

The site is located in the University District, on the west side of 12th Avenue NE, midblock between NE 50th and NE 47th Streets. 12th Ave NE is a residential street with a gradual northward uphill slope. The block face measures 600', equalling three typical block lengths. The property is located in the University Urban Center Village. The site is zoned Neighborhood Commercial 3 with a 65-foot base height limit (NC3-65, see Page 8). All properties in the vicinity to the north of NE 47th Street are also zoned NC3-65. To the south of 47th Street, land is zoned NC3 with an 85-foot base height limit (NC3-85).

Development in the vicinity has begun to reflect its zoning, though most does not approach full zoning potential, suggesting that the area could experience substantial future redevelopment. The area is a mix of single family residences, apartment buildings and newer mixed use buildings, as well as various commercial and institutional uses. Several small single family homes are located to the north, and most appear to be rentals and are in varying states of disrepair. To the southeast across 12th Ave. E is a residential highrise built in the 1970s and administered by Seattle Housing Authority. At the south end of this block, two congregate housing developments, built several years ago. Midblock to the north is the University Motel, built in 1960. One single-family structure is located immediately to the the north.

The site measures 90' by 100'. Due to the substandard 10' alley width, the applicant must dedicate five feet (5') of the western portion of the property to the alley per Seattle Municipal Code (SMC) [23.53.030 B2 & F1](#), which results in a site area of 8,550 sq.ft. The site slopes to west, about eight feet in all (See Figure 2). No portion of the site is designated as an Environmentally Critical Area on City maps. The site is



Figure 1. Vicinity Zoning

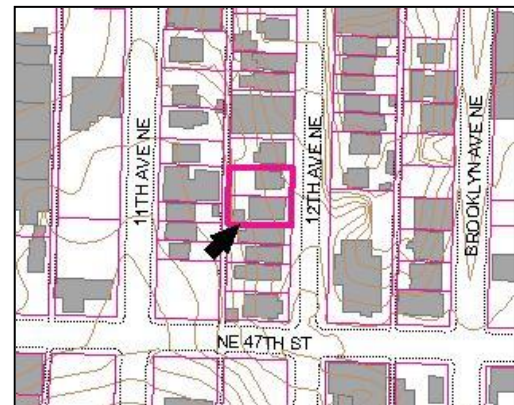


Figure 2. Local topography



Figure 3. Aerial View

currently vacant, and was originally occupied by two single family homes, which the prior owner has demolished. Most of the site is paved, and there appears to be no significant vegetation. There is an existing curb and sidewalk, and sufficient width to accommodate full sidewalk improvements.

The site is intensively served by public transit. Among others, Metro routes [9](#), [43](#), [66 & 67](#), [74](#), [79](#), [271](#), and [951](#) pass within close range. The site is also within the U-District [Light Rail Station Overlay](#), which envisions increased residential and commercial densities in anticipation of a future Light Rail station at Brooklyn Ave NE and NE 45th St.

PUBLIC COMMENT

DPD received one comment from the public, related to parking impacts. This report discusses parking below.

ANALYSIS - SEPA

The applicant provided the initial disclosure of this development's potential impacts in an environmental checklist signed and dated on March 31, 2009. This information, prior review of a proposed hotel on the site (MUP 2203010), and the experience of the lead agency in similar situations form the basis for this analysis and decision. This report anticipates short and long-term adverse impacts from the proposal.

This analysis considers the proposal in relation to a previously approved Master Use Permit (2203010), to allow a six-story hotel building on the site. DPD considers most impacts to be identical or substantially the same as the originally approved project.

The SEPA Overview Policy (SMC [25.05.665 D](#)) states “where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”, subject to limitations. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the [Stormwater, Grading and Drainage Control Code](#) (grading, site excavation and soil erosion); [Street Use Ordinance](#) (watering streets to suppress dust, obstruction of the rights-of-way during construction, construction along the street right-of-way, and sidewalk repair); [Building Code](#) (construction standards); and the [Noise Ordinance](#) (construction noise). Compliance with these codes and ordinances is generally adequate to achieve sufficient mitigation of potential adverse impacts. Thus, mitigation pursuant to SEPA is not necessary for most of these potential impacts. However, more detailed discussion of some of these impacts is appropriate.

Short-term Impacts

DPD expects temporary or construction-related impacts to be substantially the same as originally proposed in MUP 2203010, a land use permit to allow a 6-story hotel building – decreased air quality due to increased dust and other suspended air particulates during construction; potential soil erosion during grading, excavation and general site work; increased runoff; tracking of mud onto adjacent streets by construction vehicles; increased demand on traffic and parking from

construction equipment and personnel; conflict with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section [25.05.794](#)), nor are they sufficiently adverse to warrant further mitigation.

Other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation.

Short term impacts for **construction noise, earth & soils, and construction vehicle circulation** will likely be identical to impacts reviewed under the originally proposed project. Construction impacts to **air and environmental health** are less adverse, in that demolition of the original single family homes has occurred in the meantime. DPD now requires a greenhouse gas assessment, which the applicant has provided. As the size of the accessory parking levels has changed, this review further considers short term **parking** impacts.

Air. Construction activities including worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

Parking. Short-term parking impacts involve additional parking demand generated by construction personnel and equipment. The applicant provided no information related to short-term construction related parking impacts on the vicinity. Assuming that construction equipment and materials are to be stored on-site whenever practical, and that worker vehicles are to be parked on-site as soon as the garage level is complete, existing on-street parking capacity should be sufficient to absorb most spillover parking resulting from construction. DPD therefore conditions the project to provide that construction-related parking will occur on-site when feasible (Conditions #5 and 9). So conditioned, the project's potential adverse short-term parking impacts will be adequately mitigated.

Long-term Impacts

DPD expects long-term or operational impacts to be substantially the same as originally proposed in MUP 2203010. Increased surface water runoff from greater site coverage by increased impervious surfaces; increased bulk and scale on the site; increased traffic and parking demand due to residents and visitors; minor increase in airborne emissions resulting from additional traffic; minor increase in ambient noise due to increased human activity; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption.

The expected long-term impacts are typical of residential midrise development and are expected to be mitigated by the City's adopted codes and/or ordinances (together with fulfillment of Seattle Transportation requirements). Specifically these are: the Stormwater, Grading and Drainage

Control Code (storm water runoff from additional site coverage by impervious surface); the Land Use Code (aesthetic impacts, height, setbacks, parking); and the Seattle Energy Code (long-term energy consumption).

Air. Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

Parking. The proposed project incorporates more on-site parking than would otherwise be required by the Land Use Code. Considering the site, its proximity to services, its proximity to an extensive and growing hub for public transit, and the high likelihood that future residents will not own cars, DPD concludes that no mitigation is necessary in this regard.

Traffic. Considering that future residents are not likely to own cars, DPD concludes that the project's trip volumes are not likely to be sufficiently adverse to warrant mitigation.

Other Impacts

Several adopted Codes and Ordinances and other agencies will appropriately mitigate the other use-related adverse impacts created by the proposal. Specifically, these include the [Puget Sound Clean Air Agency](#) (increased airborne emissions); and the Seattle Energy Code (long-term energy consumption).

The other impacts not noted here as mitigated by codes, ordinances, or conditions (increased ambient noise; increased pedestrian traffic, increased demand on public services and utilities) are not sufficiently adverse to warrant further mitigation by conditions.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW [43.21C](#)), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. DPD has determined that this proposal does not have a significant adverse impact upon the environment. An EIS is not required under RCW [43.21C.030\(2\)\(C\)](#).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW [43.21C.030\(2\)\(C\)](#).

CONDITIONS – DESIGN REVIEW

Note: This review is for a change of use only, from a hotel use to an apartment use. As the project design is substantially in conformance with the design DPD approved under MUP 2203010, no further design review was warranted. Conditions listed below are simply reiterated from the original review.

Prior to Issuance of Master Use Permit and Construction Permit

1. Prior to issuing the MUP plans and all subsequent building permit drawings, the applicant shall embed the conditions of this MUP decision on the cover sheets.

Prior to Issuance of Any Permit to Construct

2. The Design Review Board recommended that the applicant coordinate with DPD and Seattle Department of Transportation (SDoT) to implement the proposed sidewalk paving plan, to the extent allowed by Code.

Prior to and/or During Construction

3. Any changes to the exterior façades of the building and landscaping shown in the building permit must involve the express approval of the project planner prior to construction.

Prior to Issuance of the Certificate of Occupancy

4. Compliance with the approved design features and elements, including exterior materials, roof pitches, façade colors, landscaping and right of way improvements, shall be verified by the DPD planner assigned to this project (Scott Ringgold, 233-3856) or by the Design Review Manager (Vince Lyons, 233-3823). The applicant(s) and/or responsible party(ies) must arrange an appointment with the Land Use Planner at least three (3) working days prior to the required inspection.

CONDITIONS – SEPA

Note: This review is for a change of use only, from a hotel use to an apartment use. As the project scope and possible impacts are substantially the same as reviewed and approved under MUP 2203010, no further conditioning is warranted. Conditions listed below are substantially the same as conditions imposed after the original review.

Prior to Issuance of Any Permit to Construct

5. The owner(s) and/or responsible party(ies) shall submit a statement verifying that construction-related parking is to be accommodated on-site whenever practical, and that all worker parking will be located on site upon completion of the parking level.
6. The applicant(s) or responsible party(ies) have the option to submit for review and approval a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. Such a Plan shall include discussion of

management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise.

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

7. Unless otherwise modified in an approved Construction Impact Management Plan (see condition 6), all construction activities are subject to the limitations of the Noise Ordinance, SMC [25.08](#). Construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays² from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, and weather protection shall not be limited by this condition. If an approved Construction Noise Management Plan modifies this condition, the applicant(s) and/or responsible party(ies) shall make the Plan publicly available at the construction site office.

Non-holiday work hours							
	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
7:00 am							
8:00							
9:00							
10:00							
11:00							
12:00 pm							
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							

Table 1. Non-holiday work hours. Unshaded work hours shown above are permitted outright. For certain work, it is possible to request DPD approval for additional hours shaded in gray.

² Holidays recognized by the City of Seattle are listed on the City website, <http://www.seattle.gov/personnel/services/holidays.asp>

8. For the duration of grading activity, the owner(s) and/or responsible party(ies) shall cause grading truck trips to cease during the hours between 4 p.m. and 6 p.m. on weekdays.
9. Construction-related parking will occur on-site when feasible.

Signature: _____ (signature on file) Date: July 30, 2009
Scott A. Ringgold, Land Use Planner
Department of Planning and Development

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